

Sep 05, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

No. 1:17-CV-3054-SMJ

DEVON ABDULLAH
WARITH,

Plaintiff,

v.

SHERIFF HULL, YAKIMA
COUNTY SHERIFFS
DEPARTMENT, DETECTIVE
ERIC HORBATKO, JAME P.
HAGARTY and YAKIMA
COUNTY PROSECUTING
ATTORNEY OFFICE

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Before the Court is Magistrate Judge Rodgers' July 25, 2017 Report and Recommendation, **ECF No. 11**, recommending that the Court dismiss without prejudice for failure to prosecute. Plaintiff did not file an objection.


After reviewing the Report and Recommendation and relevant authorities, the Court finds that Magistrate Rodger's findings are correct. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation, **ECF No. 11**, is **ADOPTED** in its entirety.
2. Mr. Warith's 42 U.S.C. § 1983 action, **ECF No. 1**, is **DISMISSED WITHOUT PREJUDICE**.
3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith and would lack any arguable basis in law or fact.
4. The Clerk's Office shall **ENTER JUDGMENT** consistent with this order and **CLOSE** this case.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel and Magistrate Judge Rodgers.

DATED this 5th day of September 2017.


SALVADOR MENDEZ, JR.
United States District Judge